

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DESH VEGAS, LLC, et al.,  
 Plaintiff(s),  
 v.  
 AKR EVENTS INC., et al.,  
 Defendant(s).

Case No. 2:23-cv-01809-RFB-NJK

**Order**

Pending before the Court is an order for Plaintiffs to show cause why the case should not be dismissed for lack of subject matter jurisdiction. Docket No. 11. In particular, Plaintiffs filed a complaint alleging that Defendants are citizens of California for diversity purposes, Docket No. 1 at ¶ 9, and filed a certificate of interested parties that they are also citizens of California for diversity jurisdiction purposes. *See* Docket No. 10; *see also Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (“an LLC is a citizen of every state of which its owners/members are citizens”).

Plaintiffs responded to the order to show cause by amending to the complaint to now allege, on information and belief, that Defendants are foreign nationals who are citizens of India. *See* Docket No. 12 at ¶¶ 6-8; *see also* Docket No. 13.<sup>1</sup> Such an about face in the span of a few weeks certainly raises concern. *Cf.* Fed. R. Civ. P. 11. Moreover, the most recent representations are not sufficiently detailed to establish that diversity jurisdiction exists here. *See* 28 U.S.C. § 1332(a)(2) (providing diversity exception for “citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the

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<sup>1</sup> The response to the order to show cause explains in conclusory fashion that there was somehow confusion between party citizenship for diversity jurisdiction and choice of law. Docket No. 13 at 1.

1 same State”). At this stage, however, the Court finds that further action regarding diversity is not  
2 warranted, though it may be revisited once Defendants have appeared. *Cf. Carolina Cas. Ins. Co.*  
3 *v. Team Equip., Inc.*, 741 F.3d 1082, 1087-88 (9th Cir. 2014).

4 Accordingly, the order to show cause is **DISCHARGED**, subject to the Court potentially  
5 revisiting the issue in the future.

6 IT IS SO ORDERED.

7 Dated: December 8, 2023

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11 Nancy J. Koppe  
12 United States Magistrate Judge  
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